

Remarks

I. Status and Nature of the Amendments

Claims 1-24 are pending.

Applicant has amended claim 14 to delete a reference numeral, which otherwise had been omitted from claims 14-20 added in the prior reply. Applicant also has added new method claims 21-24. New claims 21 and 24 are based on claim 14, but have been rewritten in method format to recite a centrifuging step. This amendment is supported throughout the original disclosure, including at page 5, lines 28-33 and page 6, lines 7-18. New claims 22 and 23 are substantially identical to claims 15 and 16, respectively, but depend from claim 21 and are in method format. Approval and entry of the claim amendments and new claims are respectfully requested.

II. Claims Rejections -- 35 U.S.C. § 102

Claims 1 to 20 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,375,028 to Smith.

Applicant respectfully traverses this rejection.

Claims 1-20 are directed to a separation device featuring a collection vessel, a removable cover, and a separation column containing a separation material. The interiors of the collection vessel and the separation column communicate with one another to permit pressure equalization between their interiors during separation processes, such as centrifugation. As a consequence, the separation device may be used without building up in the collection vessel excess pressure which could destroy the separation material.

The device illustrated in Fig. 22 of Smith is not a separation device. Smith is devoid of any disclosure or reasonable suggestion that the illustrated device is suitable or useful for the separation of materials. To the contrary, columns 17-18 of Smith describe a container which is pre-filled with a chemical for disinfecting and preserving specimens 150 deposited into a cavity 146. The through openings 154 in the conical wall section

142 and the cavity bottom 152 allow the disinfecting fluid pre-filled in the container to flow into the interior of cavity 146 and immerse the specimens. No separation takes place. The openings 152, 154 allow the disinfecting fluid to flow between cavity 146 and container 162 interiors, but do not serve to separate the disinfecting fluid. Further, pressure compensation is not established by the alleged pressure-equalizing connection, i.e., openings 152 and 154. Finally, material 150 is a tissue specimen deposited into the cavity 146 for storage or processing, not a separating material as the Examiner alleged.

For these reasons, Applicant respectfully requests reconsideration and withdrawal of the Section 102 rejection.

Additionally, Applicant respectfully submits that Smith does not disclose a separation method featuring the separation device and centrifuging step recited in claims 21-24. For example, Smith does not equalize pressure between the interiors of the collection vessel and the separation column, as recited in claim 21.

III. Concluding Remarks

Having now responded to all of the Examiner's rejections, Applicant respectfully submits that the present application is in condition for Allowance, and earnestly solicit early notice of favorable action. The Examiner is respectfully invited to contact the undersigned with respect to any issues regarding this application.

Respectfully Submitted,

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